

*555 Liberty St SE
Salem, OR 97301*



Final Action Agenda - Minutes - Final

Monday, April 27, 2020

6:00 PM

Virtual Meeting

City Council

****Due to the COVID-19 Pandemic, this meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Interested persons may attend the meeting online at City of Salem Facebook, CCTVSalem You Tube Channel, or watch on Comcast Cable CCTV Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at cityrecorder@cityofsalem.net.**

EXECUTIVE SESSION

None.

WORK SESSION

None.

1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)

Call to Order

6:11 p.m.

Roll Call

The City Council convened remotely.

Present: 9 - Councilor Kaser, Councilor Andersen, Councilor Nanke, Councilor Ausec, Councilor Lewis, Councilor Hoy, Mayor Bennett, Councilor Leung, and Councilor Nordyke

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Councilor Hoy, seconded by Councilor Ausec to approve the addition, a revision to item 5.a., changing the ward number from 7 to 4.

Comments by: Councilor Hoy.

The motion **CARRIED** by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

1.2 COUNCIL AND CITY MANAGER COMMENT

Comments by Councilors Andersen, Nordyke, Leung, Nanke, and City Manager Powers.

1.3 PROCLAMATIONS

- 1.3a. [20-152](#) Proclamation recognizing Mental Health Awareness Month

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Mayor Bennett read the proclamation.

Comments by Mayor Bennett.

1.4 PRESENTATIONS

None.

2. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

A motion was made by Councilor Hoy, seconded by Councilor Ausec to approve the consent calendar with the pull of item 2.3a by Councilor Leung.

Comments by: Councilor Hoy.

Councilors Andersen and Leung registered "no" votes on item 2.3d.

The motion CARRIED by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

2.1 MINUTES

- 2.1a. [20-142](#) March 23, 2020 Draft City Council Minutes

Action: Approved.

2.2 RESOLUTIONS

None.

2.3 ACTION ITEMS

2.3a. [20-53](#)

Battle Creek Park Master Plan

Ward(s): Ward 4

Councilor(s): Councilor Leung

Neighborhood(s): SGNA

Result Area(s): Natural Environment Stewardship; Welcoming and Livable Community.

Pulled by Councilor Leung - See item 4.d.**2.3b.** [20-138](#)

Ratification of Interim Intergovernmental Agreement supporting the Mid-Willamette Valley Homeless Alliance.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Welcoming and Livable Community.

Ratified the City Manager's execution of an intergovernmental agreement (IGA) and amendments formalizing participation in the Mid-Willamette Valley Homeless Alliance ("Alliance").**2.3c.** [20-140](#)

Ratification of Assignment of Community Development Block Grants from Center for Hope and Safety to HOPE Plaza LLC

Ward(s): Ward 1

Councilor(s): Kaser

Neighborhood(s): CANDU

Result Area(s): Welcoming and Livable Community

Ratified the assignment of Community Development Block Grants from the Center for Hope and Safety to HOPE Plaza LLC.**2.3d.** [20-144](#)

Small Community Air Service Development (SCASD) Grant Application for Commercial Air Service Development

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

Result Area(s): Strong and Diverse Economy

Authorized the City to apply for a Small Community Air Service Development (SCASD) grant through the U.S. Department of Transportation (DOT) for commercial air service development at the Salem Municipal Airport.**Councilors Andersen and Leung registered "no" votes on item 2.3d.**

2.3e. [20-153](#)

Collective bargaining agreement between the City and Salem Police Employees' Union

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Approved a four-year successor collective bargaining agreement between the City and Salem Police Employees' Union (SPEU), for a period from July 1, 2020, through June 30, 2024.

2.3f. [20-157](#)

Municipal Judicial Compensation

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Adopted the recommendation from the Judicial Compensation Review Commission to:

- 1. Maintain the current total compensation for the Municipal Judge.**
- 2. Make a market adjustment for the Judges Pro Tempore to increase the rate to \$75.00 per hour.**
- 3. Effective July 1, 2020, the Municipal Judge shall receive the same cost-of-living adjustment as the unrepresented classifications.**

3. PUBLIC HEARINGS

3.a. [20-108](#)

Exemption from Competitive Bidding Process and authorization of an Alternative Contracting Method, and adoption of Resolution No. 2020-15 declaring a public need to acquire easements for the Aquifer Storage and Recovery (ASR) Improvements Project at Woodmansee Park.

Ward(s): Ward 3

Councilor(s): Nanke

Neighborhood(s): Faye Wright

Result Area(s): Safe, Reliable, and Efficient Infrastructure

The public hearing began with a staff presentation by Brian Martin, City Engineer, Public Works.

No written testimony was received.

Questions or Comments by: Councilors Andersen and Lewis.

A motion was made by Councilor Nanke, seconded by Councilor Andersen to conduct a public hearing and adopt Resolution No.'s 2020-15 and 2020-16 in support of an exemption from the competitive bidding process and use of a Construction Manager / General Contractor contracting method for the improvements to the City's ASR System.

Comments by Councilors Nanke.

The motion CARRIED by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

3.b. [20-150](#)

Public Hearing on Ordinance Bill No. 7-20, considering creation of the Jory Apartments Tax Increment Financing District (TIF District)

Ward(s): Ward 2

Councilor(s): Councilor Andersen

Neighborhood(s): NEN and NESCA

Result Area(s): Welcoming and Livable Community

The public hearing began with a staff presentation by Annie Gorski, Economic Development Manager, Urban Development.

Written testimony was submitted electronically prior to the hearing, with comments from:

Northeast Neighbors Neighborhood Association

Mark O'Toole

Ann Golden

Richard Berger, Development Director, Neighborly Ventures, Inc.

Questions or Comments by: Councilors Nordyke, Kaser, Leung, Ausec, Nanke, Hoy, Andersen, City Attorney Atchison, Kristin Retherford, Urban Development Director, Mayor Bennett, and Annie Gorski.

A motion was made by Councilor Andersen, seconded by Councilor Lewis to advance Ordinance Bill No. 7-20, adopting the Jory Apartments TIF District to first reading.

Comments by: Councilors Andersen, Lewis, and Mayor Bennett.

The motion CARRIED by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

4. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)

4.a. [20-58](#)

Motion from Councilor Nordyke regarding a potential trail connection between Rural and Hoyt Avenues S in the vicinity of the Pioneer Cemetery.

Ward(s): 7

Councilor(s): Nordyke

Neighborhood(s): SCAN and SWAN

A motion was made by Councilor Nordyke, seconded by Councilor Andersen that City Council direct staff to prepare a report to City Council that summarizes the background including but not limited to historical issues and outlines options regarding a pedestrian connection between the neighborhoods west of Commercial Street S that are divided by the City-owned Pioneer Cemetery and the adjoining privately-owned City View Cemetery.

Questions or Comments by: Councilors Nordyke, Andersen, Nanke, Lewis, and Mayor Bennett.

The motion CARRIED by the following vote:

Aye: 7 - Kaser, Andersen, Ausec, Hoy, Bennett, Leung, and Nordyke

Nay: 2 - Nanke, and Lewis

Abstain: 0

4.b. [20-147](#)

Extension of declaration of state of emergency related to the COVID-19 Pandemic

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance; Safe Community;

A motion was made by Councilor Hoy, seconded by Councilor Andersen to adopt Resolution no. 2020-20, extending the state of emergency within the city of Salem related to the COVID-19 Pandemic through June 30, 2020.

Questions or Comments by: City Manager Powers, City Attorney Atchison, Mayor Bennett, Councilors Andersen, Leung, Nanke, Nordyke, Lewis, Hoy, Kaser, and Gretchen Bennett, Policy Analyst, City Manager's Office.

The motion CARRIED by the following vote:

Aye: 8 - Kaser, Andersen, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 1 - Nanke

Abstain: 0

4.c. [20-154](#)

Actions to Offer Immediate Financial Relief to City of Salem Utility Customers

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community

A motion was made by Councilor Hoy, seconded by Councilor Ausec to adopt Resolution No. 2020-22. The recommended actions offer immediate financial relief to qualified single-family residential and commercial customers upon request. The recommended actions include:

1. Increase total Utility Fund support to \$500,000 from \$10,000 for the Emergency Utility Assistance Program

2. Pre-qualify applicants for increased emergency utility assistance:

a) Utility Rate Relief Program - 574 currently enrolled,

b) Emergency Utility Assistance Program - 222 approved on or after July 1, 2019,

c) Section 8 Housing - 2,952 Salem Housing Authority (SHA) clients, and

d) SHA Tenant - 218 individually metered.

3. Temporarily increase the maximum available Emergency Utility Assistance Program credit per residential account to \$500 from \$150 per rolling 12-month period beginning July 1, 2019.

4. Provide a grant of \$25,000 to Mid-Willamette Valley Community Action Agency to continue processing applications for the City's Utility Rate Relief Program and provide a grant of \$12,500 each to St. Vincent de Paul and The Salvation Army to assist with processing additional Emergency Utility Assistance Program requests.

5. Pursuant to SRC 20J.080, review emergency Administrative Rule 109-800-2(1.5)(h)(2) adopted by the City Manager on April xx, 2020, under his authority as described in SRC 20J.060. Administrative Rule 109-800-2(1.5)(h)(2) applies to businesses closed during the pandemic and allows for suspension of commercial accounts and waiver of the \$25 reactivation fee.

Additional Questions or Comments by: Councilors Hoy, Nordyke, Ausec, City Manager Powers, and Peter Fernandez, Public Works Director.

The motion CARRIED by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

4.d. [20-53](#)

Battle Creek Park Master Plan

Ward(s): Ward 4

Councilor(s): Councilor Leung

Neighborhood(s): SGNA

Result Area(s): Natural Environment Stewardship; Welcoming and Livable Community.

A motion was made by Councilor Leung, seconded by Councilor Hoy to send the Battlecreek Master Plan back to staff for further review.**Questions or Comments by: Councilors Leung, Lewis, Mayor Bennett, and Peter Fernandez, Public Works Director.****A substitute motion was made by Councilor Lewis, seconded by Councilor Nanke to approve the staff recommendation.****Questions or Comments by: Councilors Kaser, Andersen, Hoy, Leung, Nanke, Mayor Bennett, and Peter Fernandez.****The substitute motion CARRIED by the following vote:****Aye:** 8 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, and Nordyke**Nay:** 1 - Leung**Abstain:** 0**5. INFORMATION REPORTS: (Items that require no Council action)****5.a.** [20-136](#)

Planning Administrator Decision - A tentative partition plan to divide approximately seven acres into two parcels. - Approved.

Tentative Partition No. PAR20-03 - Pacific National Development, Inc. - 6994 Sunnyside Rd SE.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): South Gateway

This Informational Report was received and filed.

5.b. [20-141](#)

Planning Administrator Decision - A tentative partition to divide approximately 5.94 acres into three parcels. - Approved.

This partition has been appealed and will have a hearing before the Planning Commission, unless the City Council assumes jurisdiction.

Partition Case PAR20-02 - Karen Otto - 3121 Blossom Dr NE

Ward(s): 5

Councilor(s): Ausec

Neighborhood(s): Northgate

This Informational Report was received and filed.

5.c. [20-143](#)

Hearings Officer Decision - A proposal to construct a coffee cafe with a drive-through lane. - Approved.

Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment /
Class 2 Driveway Approach Permit / Class 1 Design Review
CU-SPR-ADJ-DAP-DR20-02 - Jon Hummelt and Fritz Hummelt,
Hummelt Development Company - 2095 Fairgrounds Rd N.

Ward(s): 1

Councilor(s): Kaser

Neighborhood(s): Highland

This Informational Report was received and filed.

5.d. [20-145](#)

Planning Administrator Decision - Modification of Conditional Use permit CU-SPR17-13 to include solventless concentrates using ice and water and adding nitrogen to be used as part of an equipment cleaning process. - Approved.

Modification of Conditional Use / Class 3 Site Plan Review Case No.
CU-SPR17-13MOD1 - Luke Hamilton - 2715 19th St SE.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SESNA

This Informational Report was received and filed.

5.e. [20-146](#)

Planning Administrator Decision - An Urban Growth Area Preliminary Declaration to determine the public facilities required for development of property approximately 21.6 acres in size. This request has been amended to include property located at 4557, 4587 and 4625 Cordon Road NE. - Approved.

Urban Growth Area Preliminary Declaration Case No. UGA19-02 - Jordan Schweiger, Good Well Construction Inc. - 5012, 5042, 5052, 5092 & 5122 Hayesville Dr NE & 4557, 4587 and 4625 Cordon Road NE.

Ward(s): 5
Councilor(s): Ausec
Neighborhood(s): Northgate

This Informational Report was received and filed.

5.f. [20-148](#)

Planning Administrator Decision - A proposed partition to divide a property located in the 5200 to 5300 block of Battle Creek Road SE into two parcels. - Approved.

Partition Case No. PAR20-01 - Steve Ward and Andy Tweet, Westech Engineering, on behalf of Woodscape Glen, LLC (John Miller) - 5200 to 5300 Battle Creek Rd SE.

Ward(s): 4
Councilor(s): Leung
Neighborhood(s): South Gateway

This Informational Report was received and filed.

5.g. [20-149](#)

Planning Administrator Decision - A partition to create two parcels. - Approved.

Partition Case PAR20-04 - Zachary Zeek - 1185 Park Ave NE.

Ward(s): 6
Councilor(s): Hoy
Neighborhood(s): NESCA

This Informational Report was received and filed.

6. ORDINANCES**6.1 FIRST READING:**

6.1a. [20-151](#)

Adoption of the Jory Apartments Tax Increment Funding (TIF)
District

Ward(s): Ward 2

Councilor(s): Councilor Andersen

Neighborhood(s): NEN and NESCA

Result Area(s): Welcoming and Livable Community

A motion was made by Councilor Andersen, seconded by Councilor Kaser to conduct first reading and advance Ordinance Bill No. 7-20, creating the Jory Apartments TIF District, to second reading.

The motion carried by the following vote:

Aye: 9 - Kaser, Andersen, Nanke, Ausec, Lewis, Hoy, Bennett, Leung, and Nordyke

Nay: 0

Abstain: 0

6.2 SECOND READING:

None.

7. ADJOURNMENT

8:24 p.m.

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To request accommodations or services, please call 503-588-6255 or 503-588-6003 (TTD/TTY 503-588-6439), or by e-mail at: cityrecorder@cityofsalem.net at least two business days in advance.

Si necesita ayuda para comprender esta información, por favor llame 503-588-6003.

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS

a. [20-137](#)**CITY COUNCIL PUBLIC HEARINGS**

Due to the COVID-19 Pandemic, and until further notice, all meetings, public hearings, and work sessions will be conducted virtually. Real-time remote viewing is available online on the City of Salem Facebook page, CCTVSalem You Tube Channel, and is also available on Comcast Cable CCTV Channel 21.

City Council review of the Planning Administrator's Decision approving a Site Plan Review with a Class 2 Adjustment and Class 2 Driveway Approach application for Permit Case No. SPR-ADJ-DAP20-03 for property located at the 1910 Church Street SE
Monday, May 11, 2020 at 6:00 p.m.

FY 2021 Recommended City of Salem Budget
Monday, June 8, 2020 at 6:00 p.m.

State Revenue Sharing Funds
Monday, June 8, 2020 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS**URBAN RENEWAL AGENCY PUBLIC HEARINGS**

FY 2021 Recommended Urban Renewal Agency Budget
Monday, June 8, 2020 at 6:00 p.m.

WORK SESSIONS

City Council
Salem's Trees and Programs
Monday, May 18, 2020 at 6:00 p.m.

Joint City Council and Salem Planning Commission Work Session
Our Salem project update
Monday, June 15, 2020 at 6:00 p.m.
Meeting Location: Center 50+, 2615 Portland Rd NE, Classrooms A and B

BUDGET COMMITTEE MEETINGS

Budget Message and Budget Committee Review Meeting

Wednesday, May 6, 2020 at 6:00 p.m.

Public Hearing: State Revenue Sharing
Wednesday, May 6, 2020 at 6:00 p.m.

Public Hearing: Capital Improvement Plan (CIP)
Wednesday, May 6, 2020 at 6:00 p.m.

Budget Committee Recommends FY 2021 Budget to the City Council and
Urban Renewal Agency
Wednesday, May 13, 2020 at 6:00 p.m.

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

*The following annual meeting dates may have recently changed, please
contact the Neighborhood Associations directly to confirm their meeting
dates.

Neighborhood - Annual Meeting Date - Councilor

*Grant - May 7 - Kaser

*SEMCA - May 12 - Andersen, Nanke, Leung

*Morningside - May 13 - Andersen, Nanke

This Future Agenda Items was received and filed.

MEETING PROCEDURES

City Council meets on the second and fourth Mondays of each month at 6:00 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at:
[http://www.cityofsalem.net/Pages/council rules.aspx](http://www.cityofsalem.net/Pages/council%20rules.aspx).

THE CONSENT CALENDAR

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

PUBLIC COMMENT

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 3:30 p.m. on the day of the City Council meeting when the item will be considered. For complete information on submitting communications to Council, please refer to Council Rule 6: Communications:
[https://www.cityofsalem.net/Pages/council rules.aspx](https://www.cityofsalem.net/Pages/council%20rules.aspx).

If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 220, Salem, OR, or by e mail to: manager@cityofsalem.net.

PUBLIC HEARINGS

The City Council can hold public hearings to consider legislative, quasi judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi judicial hearings in non land use cases are as follows:

1. Staff Presentation – 15 minutes
2. Affected Party – 15 minutes
3. Neighborhood Associations – 5 minutes
4. Other Interested Persons – 3 minutes per person
5. Rebuttal by Affected Party – 7 minutes

Time limits for quasi judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503 588 6173 or email at: Imanderson@cityofsalem.net.

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.